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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/717,667

11/21/2003

Andreas Kaszkin

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EXAMINER

TRUONG, THANHNGA B

ART UNIT

PAPER NUMBER

2435

MAIL DATE

DELIVERY MODE

03/17/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/717,667	Applicant(s) KASZKIN ET AL.	
	Examiner THANHNGA B. TRUONG	Art Unit 2435	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 is/are allowed.
- 6) ☒ Claim(s) 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the communication filed on November 21, 2008. Claims 1-7 are pending. Claims 8-12 are canceled by the applicant. At this time, claims 1-6 are allowed and claim 7 is still rejected.

Response to Arguments

2. Applicant's arguments with respect to claim 7 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al (US 6,507,856 B1), in view of Takagi et al (US 5, 109,152), and further in view of Dillon et al (US 5, 109,152).

a. Referring to claim 7:

i. Chen teaches a process device for a process automation system, comprising:

(1) a function device executing predetermined functions as part of process automation; and a communication device connected to the function device and configured to connect into a process automation system for exchange of data, within the process automation system, that relate to at least one of the functions and the function device (**see Chen's abstract, Figures 5 and 6; column 3, lines 35-49; and column 4, lines 57-58 of Chen**),

ii. Although Chen teaches a process automation system, Chen is silent on the capability of showing wherein the communication device comprises an encryption device, a decryption device, and means for determining by hard wiring or programming which of transmission data are encrypted in the encryption device and

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means for recognizing which of reception data are encrypted and decrypting the encrypted reception data in the decryption device. On the other hand, Takagi teaches these limitations in **Figure 9 and more details in column 1, lines 17-43, column 6, lines 35-45 of Takagi.**

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the invention of Chen with the teaching of Takagi for performs, between two communication devices, the confirmation of legitimacy of the communication partner and the implementation of confidentiality and recognition of transmitted messages **(column 1, lines 5-10 of Takagi).**

iv. The ordinary skilled person would have been motivated to:

(1) have modified the invention of Chen with the teaching of Takagi for dynamically exchanging and merging documents **(column 1, lines 31-32 of Chen).**

v. Although the combination of teaching between Chen and Takagi teaches the claimed subject matter, they are silent on the capability of recognizing which of reception data are encrypted. On the other hand, Dillon teaches this limitation in **column 3, lines 12-14 of Dillon.**

vi. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the modified-invention of Chen with the teaching of Dillon for performs, between two communication devices, the confirmation of legitimacy of the communication partner and the implementation of confidentiality and recognition of transmitted messages **(column 1, lines 5-10 of Takagi).**

vii. The ordinary skilled person would have been motivated to:

(1) have modified the invention of Chen with the teaching of Takagi for dynamically exchanging and merging documents **(column 1, lines 31-32 of Chen).**

Allowable Subject Matter

5. Claims 1-6 are allowed.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhnga (Tanya) Truong whose telephone number is 571-272-3858.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

/Thanhnga B. Truong/

Primary Examiner, Art Unit 2435

TBT

March 14, 2009